

Message Text

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11

ACTION EA-14

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TO SECSTATE WASHDC 3989

INFO AMEMBASSY SINGAPORE

AMCONSUL MEDAN

AMCONSUL SURABAYA

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E.O. 11652: N/A

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SUBJ: HARIMAN SIREGAR TRIAL: SIXTH SESSION

REF: JAKARTA 10205

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1. SIXTH SESSION SIREGAR SUBVERSION TRIAL AUGUST 20
TAKEN UP WITH QUESTIONING OF DEFENDANT BY DEFENSE COUNSEL
AND PROSECUTOR. DEFENSE QUESTIONING ELICITED FURTHER
SIREGAR DENIALS OF INTENT TO CHANGE STRUCTURE OF
GOVERNMENT OF BASIC POLICIES, OR TO OPPOSE PRESIDENT,
AND REPETITION OF PREVIOUS STATEMENTS THAT SIREGAR
OPPOSED VIOLENCE AT TIME OF TANAKA VISIT. SIREGAR
STATED HE PERSONALLY SUPPORTED PRESIDENT SUHARTO BUT
THAT HE HAD NOT SUGGESTED THAT HIS STUDENT COUNCIL ISSUE
STATEMENT OF SUPPORT SINCE SUCH STATEMENTS HAD BEEN
COMMON UNDER "OLD ORDER" (PRE-1965) SYSTEM AND DID NOT
SEEM APPROPRIATE UNDER NEW ORDER GOVERNMENT. DEFENSE
QUESTIONING ALSO EMPHASIZED ACADEMIC FREEDOM AS BASIS
FOR UNIVERSIT INDONESIA STUDENTS' CAMPUS DISCUSSION
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ACTIVITIES, AND BROUGHT OUT FACT THAT GOVERNMENT OFFICIALS

INCLUDING FORMER BAKIN CHIEF SUTOPO JUWONO HAD ADDRESSED STUDENTS DURING DISCUSSION SESSIONS AND HAD NOT TOLD STUDENTS THAT DISCUSSIONS WERE SUBVERSIVE OR PROHIBITED.

2. PROSECUTOR'S QUESTIONING FOCUSED ON PUBLICITY GIVEN TO SIREGAR AND UNIVERSITY INDONESIA STUDENT ACTIVITIES AND WIDER IMPACT OUTSIDE CAMPUS. PROSECUTOR SUBMITTED EVIDENCE TO COURT INCLUDING COPIES OF PETITIONS, POSTERS, ETC. SIREGAR MAINTAINED HE DID NOT AUTHORIZE SUCH ACTIVITIES AND IN SOME INSTANCES DIRECTLY OPPOSED THEM.

3. IN RESPONSE TO QUESTION FROM JUDGE, SIREGAR SAID HE HAD BEEN ALLOWED TO VISIT WIFE AND FATHER PREVIOUS AFTERNOON.

4. SIXTH SESSION AGAIN FEATURED CONTENTIOUS EXCHANGES BETWEEN SIREGAR AND PRSECUTORS OVER RELEVANCE OF QUESTIONS AND SPECIFICITY OF SIREGAR'S ANSWERS. AT START OF SESSION DEFENSE COUNSEL URGED SIREGAR TO THINK CAREFULLY BEFORE ANSWERING AND NOT TO RAMBL IN RESPONDING TO QUESTIONS.

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5. COMMENTS:

A. SIREGAR PERFORMANCE THUS FAR IN TRIAL HAS NOT BEEN PARTICULARLY STRONG. HE HAS GENERALLY NOT USED OPPORTUNITIES FOR COGENT OR EFFECTIVE PRESENTATION OF POSITIVE AND IDEALISTIC ASPECTS OF STUDENT ACTIVITIES IN PERIOD LEADING UP TO JANUARY 15, OR TO EMPHASIZE THOSE OF STUDENT DEMANDS WHICH HAVE BEEN ACCEPTED (AND THEREFORE PRESUMABLY LEGITIMIZED) BY GOVERNMENT. HIS DEFENSE OF STUDENT CRITICISM HAS BEEN BASED ON SOMEWHAT LEGALISTIC ARGUMENTS THAT DISCUSSION ACTIVITIES WERE NEVER SPECIALLY PROHIBITED OR THAT THEY WERE BASED ON

ACADEMIC FREEDOM DOCTRINE AND POST-1965 PRECEDENT, NOT ON LIMITED OFFICIAL USE

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ANY GENERAL ARGUMENT THAT SUCH CRITICISM IS NECESSARY AND HEALTHY FEATURE OF PROGRESSIVE SYSTEM OF GOVERNMENT. OFF-THE-CUFF RESPONSES TO QUESTIONS AND FREQUENT REMINDERS FROM BENCH AND EVEN HIS OWN ATTORNEYS CONCERNING APPROPRIATE CONDUCT IN COURT HAVE ALSO DETRACTED SOMEWHAT FROM IMAGE OF MATURITY AND INTELLIGENCE WHICH WOULD PRESUMABLY BE IN HIS INTEREST TO PROJECT. IMAGE PRESENTED IS CLOSER TO THAT OF RECALCITRANT SCHOOLBOY BEING LECTURED BY

ELDERS THAN OF CONFRONTATION BETWEEN GOVERNMENT AND PRINCIPLED DISSENTER. THIS MAY CHANGE AS TRIAL PROGRESSES, BUT PRELIMINARY QUESTIONING WAS MAIN OPPORTUNITY FOR SIREGAR DIRECTLY TO SET TONE OF TRIAL FAVORABLE TO HIMSELF, WHICH HE DOES NOT SEEM TO HAVE DONE.

B. GOVERNMENT PRESENTATION HAS ALSO FAILED TO DATE TO SHARPLY FOCUS ISSUES IN TRIAL. EXAMINATION OF SIREGAR HAS BEEN RAMBLING AND SOMEWHAT DIFFUSE. PROSECUTOR'S PRESENTATIONS HAVE ALSO BEEN NOTABLY LACKING IN "SURPRISES" PROMISED BY GOVERNMENT. HOWEVER, TESTIMONY OF WITNESSES WHICH SHOULD COMMENCE SHORTLY MAY EVENTUALLY REFOCUS TRIAL AND BRING OUT MORE STARTLING OR CONTROVERSIAL INFORMATION THAN HAS COME OUT SO FAR.
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